

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ASALI M. RICHARDSON,

Plaintiff,

v.

ALLISON, et al.,

Defendants.

CASE NO. 1:21-cv-0070 JLT (PC)

**ORDER TO SHOW CAUSE WHY
PLAINTIFF’S MOTION TO PROCEED *IN
FORMA PAUPERIS* SHOULD NOT BE
DENIED**

(Doc. 2)

21-DAY DEADLINE

Plaintiff has applied to proceed *in forma pauperis*. (Doc. 2.) However, the Inmate Statement Report submitted by the California Department of Corrections and Rehabilitation in support of plaintiff’s application, shows a monthly account balance in excess of \$1,000.

Proceeding “*in forma pauperis* is a privilege not a right.” Smart v. Heinze, 347 F.2d 114, 116 (9th Cir. 1965). While a party need not be completely destitute to proceed IFP, Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948), “the same even-handed care must be employed to assure that federal funds are not squandered to underwrite, at public expense, either frivolous claims or the remonstrances of a suitor who is financially able, in whole or in material part, to pull his own oar.” Doe v. Educ. Enrichment Sys., No. 15cv2628-MMA (MDD), 2015 U.S. Dist. LEXIS 173063, *2 (S.D. Cal. Dec. 30, 2015) (citing Temple v. Ellerthorpe, 586 F. Supp. 848, 850 (D.R.I. 1984)). “[T]he court shall dismiss the case at any time if the court

determines the allegation of poverty is untrue.” 28 U.S.C. § 1915(e)(2)(A). It appears that plaintiff has had sufficient funds over the last several months to be required to pay the filing fee in full to proceed in this action, but he chose to spend his money elsewhere. Accordingly, the Court **ORDERS** that **within 21 days** of the date of service of this order, plaintiff shall show cause why her motion to proceed *in forma pauperis* should not be denied and she be required to pay the filing fee in full before proceeding. Alternatively, plaintiff may file a notice of voluntary dismissal.

Failure to respond to this order will result in dismissal for failure to obey a court order.

IT IS SO ORDERED.

Dated: **March 3, 2021**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE